

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI  
49686 [www.peninsulatownship.com](http://www.peninsulatownship.com)

## Township Board Special Meeting

March 12, 2025, 1:00 p.m.

Township Hall

### Minutes

1. **Call to Order** by Sanders at 1:00 p.m.

2. **Pledge**

3. **Roll Call**

Present: Sanders, Clark, Alexander, Wunsch, Sanger, Chown

Excused absent: Milliken

4. **Citizen Comments:** none

5. **Government Updates:** none

6. **Approve Agenda**

Sanders asked to move item three to item one.

**Wunsch moved to approve the agenda as amended with a second by Sanger.**

Motion passed by consensus

7. **Conflict of Interest:** none

8. **Consent Agenda:** none

9. **Business:**

**A. Proposed Amendments to the Agricultural Preservation Area Map under Section 5 of the Purchase of Development Rights Ordinance**

**Eric Dreier, member of the PDR Committee, introduced himself and Will Manty, liaison with the Grand Traverse Regional Land Conservancy.** Discussed how some of the properties that are appropriate for the township's PDR program are outside the boundaries of the map drawn in the early 1990s. Some of the current applicants to the program are good candidates due to the quality of the farmland, its location adjacent to existing parcels already preserved, good air drainage, and so on. Dreier also discussed that if residences were to be built in these locations, they'd be competing with ag. Discussed how farmland uses have changed. For example, tart cherries were predominant 30 years ago but have been replaced with many new crops. The PDR Selection Committee recommends that the ordinance be amended to include the updated map of the agricultural preservation area that includes additional appropriate acreage. The map is in the packet. Also noted that technology is better today, which allows for more nuance and detail, a point the township board concurred with.

Sanders confirmed that the map was approved by the planning commission.

**Dave Edmondson, 12414 Center Rd.:** this [amending the ordinance] has been done before. I don't think it's a big issue. As a past participant in the program, I think it's very appropriate.

**Marty Lagina, 232 W. McKinley:** nothing is being subtracted, parcels are just being added, correct? Sanders confirmed that this is correct.

**Sanger moved to amend the APA map from the current delineation as shown in Exhibit A to the new one as shown in Exhibit B as recommended by the planning commission with support from**

**Alexander.**

Roll call: Clark, Alexander, Sanger, Chown, Sanders

Abstain: Wunsch

**B. Land Division Appeal 359 Hearing/Decision**

**Lagina:** on a positive note, I have a haircut that looks nice. Also, I'm very pleased to see that, last night, you took up one of the suggestions that resulted from these appeals, which is to take them to the zoning board of appeals. But I didn't see anything about switching up counsel so that the judge at one level isn't the judge at the other.

My mission is to do this on behalf of the citizens of the township because this is a very difficult process. I've spent in excess of \$20,000 on three different appeals. If I'd engaged an attorney, it would be more than \$100,000, and that's just not right.

As you know, I am not happy as a citizen with your representation, but to be fair to your attorney, I think perhaps you're getting bad legal advice because you're asking for bad legal advice. This board unanimously approved a motion at one of these hearings that asked how can we deny this. These are not adversarial hearings, and respectfully, Madam Supervisor, you admonished me in harsh terms not to address your staff attorney that way. There are several errors here. He is not your staff attorney. He's a hired consultant. Second, if you think about what's supposed to be happening, yes, he's your attorney, but he's also my attorney because these aren't adversarial hearings. The person in the legal hat is supposed to be asked what is fair and proper for the citizens. I don't think that is what is happening in this township. Here are some examples.

He isn't your staff attorney. He's just as much mine as he is yours. I'm allowed under my First Amendment rights to be as adamant as I please.

I don't think your attorney has advised you that if there's an ambiguity in the ordinance, it's to be resolved in favor of the governed. Do any of you know that? What I see is an attorney struggling mightily to resolve it in favor of what the board wants, and I don't think that's proper. I don't think you want that to be proper. I think it's important that you frame the question properly to be fair to him or her. The question isn't "This is wrong, right? Tell us how we can make this not happen."

Chown: are you referencing LDA #358?

Lagina: yes. When that came up, there was no discussion. The board reached a decision before there was any discussion. There has to be a discussion before the board makes its decision. You're not getting good legal advice but I'm afraid you're misdirecting it too. I have examples for #359. [Alan Kostrzewa, Lagina's co-partner, passed out papers to the board (see minutes).]

Two points underscore what I'm trying to say: first, the contiguousness claim. Your attorney should have stood up and said you have a survey that shows it without any sort of argument, but I think he was directed to be adversarial so he didn't. Your ordinance describes contiguousness as two or more parcels of land with a common boundary or point that may be separated solely by a road. Then you look at the survey on the second page and you see that there is a point on the parcel on the northeast corner of the parcel to be divided and the southwest corner of the parcel in question, two points separated just by a road. So there was no issue of whether these parcels were contiguous. These properties are contiguous. But you didn't know it. It has wasted time and money for everyone. [Kostrzewa passed out second document (see minutes).]

Lagina read aloud the "Boat hoists and docks..." language from the document and argued that it is operative and that there are only two classes of beach properties, those that went into effect before this ordinance and those that went in after. If this is not an operative clause, Lagina argued, then none of those parcels could have been created from 1972 to the present.

He also argued that you cannot amend an ordinance with a police power ordinance. Amending an

ordinance requires formalities, i.e., a public hearing at the planning commission, then a public hearing at the board. A police power ordinance can be amended right now. It doesn't need those formalities. If these lots were illegal in 1972, they're still illegal, but dozens and dozens of them have been created, so the logic you received was without any merit. This was the authority that created those parcels. It's how it's been interpreted and the only way it makes any sense.

Sanders noted that the ordinance, as written in the denial, prohibits increasing the nonconformity of a nonconforming lot.

Lagina argued that it's a nonconforming lot for building purposes only and that nonconformity doesn't matter for beach access. For beach access, it only needs to be 50 feet wide.

Sanders discussed the denial letter further and read aloud, "No lot...in a recorded plat shall be further partitioned or divided unless in conformity with the ordinances of the municipality."

Chown asked if there's a minimum lot width requirement for shared waterfront ownership. Sanger said not as far as he knows.

Sanger discussed compliance with section 6 of the land division ordinance and said the ordinance doesn't differentiate between a buildable lot and a non-buildable lot, to which Lagina asked how then did dozens of them come about.

Sanders explained that she went through his examples with Assessor Sally Murray, some of which were in a plat. Lagina and the board, particularly Sanders and Sanger, discussed the details at length.

Lagina argued that he and his partner created a 50-foot standalone parcel out of 100 feet in 1989. To that, the board acknowledged it was possible that the ordinance had been misinterpreted.

Board members also discussed safety concerns but came back to the fact that the ordinance says we can't take a nonconforming lot and make it more nonconforming even if our predecessors did it once or more than once. The board also discussed whether the zoning ordinance trumps the land division ordinance and whether or not there is a conflict between them. Clark argued that both the zoning ordinance and the land division ordinance prohibit this split, that both say they're not allowed. Wunsch expressed concern about the number of splits on non-conforming lots that allegedly have been allowed. Sanders went through the examples provided by Lagina and said they are not apples to apples and that she feels comfortable the township is on sound legal ground. Further, she expressed the opinion that the township should be going by what is written in the ordinance even if one or more mistakes were made by former township officials, a sentiment that other board members supported.

The board discussed whether or not to ask legal counsel to drill down further or to go ahead and make a decision based on the board's comfort level that the two ordinances are in fact consistent with one another. Sanders moved to deny Land Division Appeal #359 based on the information submitted by the applicant and township staff for the reasons stated above and on the record.

Lagina argued that the board chair cannot make the motion per Robert's Rules of Order.

**Sanger moved to deny Land Division Appeal #359 based on the information submitted by the applicant and township staff for the reasons above and on the record and based upon non-compliance with section 6 of the Land Division Ordinance stating that the results of the split must comply with the minimum lot size and width requirements with a second by Clark.**

**Roll call vote: yes – Alexander, Wunsch, Sanger, Chown, Sanders, Clark**

**Passed unan**

Chown corrected Lagina's former comments about the denial of Appeal #358, noting that when she made the motion to deny at a prior meeting, she did not ask the attorney to find reasons to deny but rather asked the township's attorney to draft a document that was legally defensible in terms of *why* the township was denying the appeal. She also corrected Lagina's assertion that the attorney "struggled mightily" to give the board what it wanted and noted that it was abundantly clear that the PDR ordinance expressly prohibits what the applicant wanted and thus writing the denial was straightforward.

**C. Discussion of Acquiring Private Land Site for the Potential New Fire Station #1**

Sanders gave the background of the project and explained the fire chief's desire to build a new station and the difficulty in finding an appropriate location. She explained that a property owner directly across the street from Peninsula Grill recently came forward with a proposal to sell roughly four acres for \$690,000. The parcel is already defined within a survey with a driveway going through it to access an existing single-family residence. The township would pay for all transaction costs and have the exclusive option for six months starting March 15. The township would pay a \$60,000 option payment, which would not apply to the purchase price. Sanders said she thinks it's a pretty true cash value for that type of property in that location but believes the option payment should apply to the purchase price. She noted that it's the ideal location and the timeframe is doable.

Wunsch asked that the board pause and do more due diligence on what the township really needs. Because the budget is coming in much higher than expected, he would like outside advice on what is currently needed, what will be needed in the future, and how we can address that as cost effectively as possible before we look at purchasing property, incurring costs, etc. Wants to see data and outside advice.

Sanders noted that various construction management consultants do municipal projects like this.

Chown agreed in theory but feels this is the perfect property and it could go and not come again. Thinks it's unwise to let it go if we have a willing seller who will work with us given how hard it's been to find this property, even if we sit on it for a while.

Sanders said we don't get any benefit from sitting on it, but Chown said it's worth it because the current location north of the township hall doesn't work well.

Clark expressed her reluctance to make more property in the township tax exempt.

Alexander expressed safety concerns at the new proposed site but acknowledged that the chief had no such safety concerns.

Chown argued that it's a disaster to build next door given the trees that need to come out and the fill that's needed and says she won't vote for building the fire station at that site.

Sanger agreed, arguing that the township has the best fire department in the region and that we need to do this to keep the staff we have, given the terrible conditions they work in. Does not want to kick the can down the road again. Noted that the current station is in the fall zone of the tower. Said that someone could die if the tower comes down. Agrees that it will take a ton of money to fill in the hole north of the township.

Clark would like to see the comparison between costs to build on the two properties.

Sanger added that we hired the chief to modernize the township. If we use the flat land, we can use the basement entirely. Is concerned about the money but more worried about going backwards.

Wunsch doesn't want to make this \$10 million decision without professional advice. Doesn't think the board has done the necessary due diligence and is concerned about the tariff environment we're in and possible additional costs. Says he asked for this outside advice before we went out for architectural design.

Chown replied that Wunsch did not ask for this outside advice at a board meeting and ought to have done so.

Sanger reemphasized the need for a modern operation that is safe and comfortable for the fire station and department and suggested we try to buy some time by working with the property owner.

Chown expressed embarrassment that the board didn't ask for this additional information six or eight months ago and wondered if we can ask the landowner to give us a little grace time to determine the final needs and costs, but Sanger noted it's hard for a consultant to tell us costs when we don't know where the building will go.

Wunsch talked about the reality of the north end of the peninsula and said it won't be developed in the same way that urban areas will be thanks to the PDR program, which reduces future buildout and by extension the tax base. Noted that while the geographic center of the township is in the immediate vicinity, the population center is on the south end. Wants to make sure the chief is realistically working with the real future needs of the community.

Sanger would like the board to tour the new Blair Township station. Noted the three, four, and five-million-dollar homes going up in Peninsula Township and the fact that all our residents expect good fire service even though we are three townships put together. He wondered where we can put a ladder truck, which he believes we need.

Sanders agreed to work on extending the offer from the landowner.

**Wunsch moved to authorize the supervisor to reach out to the landowner to negotiate an extended timeline on the township's response with a second by Chown. Motion approved by consensus**

Lagina asked for citizen comment now so he can leave.

**Lagina:** Fred is an excellent fire chief and human being. Feels nonplussed and chagrined to learn the tower is dangerous. Said this didn't seem to bother the township in terms of the landowner who owns property all around it and could build a hotel on it. Said it was put up in violation of all the township's ordinances. Hearing it's dangerous is troublesome and chilling.

**Edmondson:** agrees we should keep a lid on the fire department issue. Fred is great but doesn't think we need a big station and prefers smaller stations. What's being projected seems out of scale. A fire truck was recently stuck and couldn't get in the driveway at our latest fire. Now you're talking about a ladder truck? It probably can't go anywhere. Wants to start being practical about our expenses and what will really work. Maybe a survey would be good. Regarding the Lagina situation [LDA #359], seems like precedent is already set. Why aren't we being consistent?

Sanders asked him to save the rest of his comments for the end of the meeting.

**Alexander moved to seek an RFP from a third-party consultant to look at the costs of the fire station to help us figure out what we need today, in 10 years, and in 50 years with a second by Wunsch.**

**Roll call vote: yes – Wunsch, Sanger, Chown, Sanders, Clark, Alexander Approved unan**

Sanders has the name of some companies with Traverse Connect she will reach out to for the consultant work.

## 10. Citizen Comments

**Edmondson:** asked about LDA #358 and the notion that combining PDR land with unrestricted property means the PDR covenant encompasses the entire parcel. Asked where that came from. Doesn't think it applies to his properties that have PDR easements.

[Note: the language is in the specific easement language; it is not in the PDR Ordinance. See packet from January 29, 2025, special township board meeting.]

**Edmondson:** Bonobo illegally used PDR land to meet the zoning requirement for his winery. It went over everybody's head, but it shouldn't have been allowed. Citizens buy easements to protect land and views in perpetuity. When the language in the contract isn't followed, the residents get Bonobo in our number one viewshed and Bonobo gets to have a winery after we paid an absurd amount of money to protect the land. It's disappointing.

Sanders and Chown reiterated that just because it wasn't caught previously doesn't mean this board will allow it now, and Sanger explained that our job is not to follow precedent but to do the right thing.

Sanders asked Edmondson if he's interested in applying for the open zoning enforcement position in light of his concerns. Edmondson declined but agreed to inform the township if he knows of anyone who might be.

## 11. Board Comments

Wunsch thinks it might be worthwhile to have our legal counsel or GTRLC's legal counsel give us a roadmap of what PDR parcels should look like going forward. Does not want a repeat of Bonobo. Is aware of several PDR parcels that have ongoing or planned development that seems speciously related to ag.

Board discussion on whether it's appropriate to build barns on PDR land to store cars in, play ice hockey in, etc. Applicants need to show us how those properties support ag operations. Our new zoning administrator needs a roadmap for how to handle applications that come in on PDR land.

Sanders and Chown noted that we need to enforce what's already happening on PDR land.

Discussion of migrant housing, for example, versus farm manager housing on PDR land.

Chown suggested Wunsch take these concerns to the PDR selection committee.

Wunsch said it's on the board to address them.

Chown said the selection committee also needs to discuss these matters with new potential applicants and that both actions are needed.

Board discussed how staff turnover has been a problem.

Sanders will draft letters to the board of realtors and Traverse City Tourism on PDR easements and short-term rentals with specific information on our rules to put some responsibility on them.

Board discussed how we can't allow buildings on a "trust us" basis. Specifically, the township doesn't need to allow someone to build a 20,000-square-foot building on a five-acre parcel because they say it's ag. We need to know what they need it for. Means we need a zoning administrator who has experience. These matters are complicated.

In addition, when working with PDR properties, the township needs more than just a zoning administrator involved in making decisions so things don't slip through the cracks. When we find violations, we need teeth. To date, Chown reminded the board, the impulse has been to work with PDR owners and bring them into compliance. It's why we've not had this schedule of fining folks for consistent and ongoing violations. We need to start saying no. We haven't done a good job of that. That will require a lot of oversight of planning and zoning. Perhaps we need an affidavit of use for everyone who has a PDR easement, but the easements themselves need to be enforced. A specific example was discussed multiple times of how a previous owner built an ag building on a parcel that had no ag and then the new owner put a hockey rink in it. The board agreed that this violation has to be addressed and agreed that the township does not need to issue a permit unless the owner can show it's for ag. Should be standard operating procedure. This language doesn't need to be in the ordinance in theory, but Sanders noted it should put it in the ordinance so it's standard and required after the current board is no longer in office. Board members considered the fact that it takes a long time to come up to speed with the complexity of this township.

In sum, because easement monitors do not go inside the building when monitoring, it's better to catch problems in the permitting phase and always require use affidavits, then throw the book at violators, if needed. It's expensive, but we have to do it. Spending money up front, on prevention, is even better.

**12. Wunsch moved to adjourn with a second by Alexander.  
Adjourned at 3:11 p.m.**

**Motion approved by consensus**

From the minutes of the Township Board Special Meeting,  
January 29, 2025, 7:00 p.m.

- “The board questioned the contiguity claim, citing the lack of a survey proving the attachment”

Definition of contiguous from the PTZO:

- *Contiguous describes two or more parcels of land with a common boundary or point that may be separated solely by a private roadway or public right-of-way.*  
**(ADDED BY AMENDMENT 201)**

# CERTIFICATE OF SURVEY

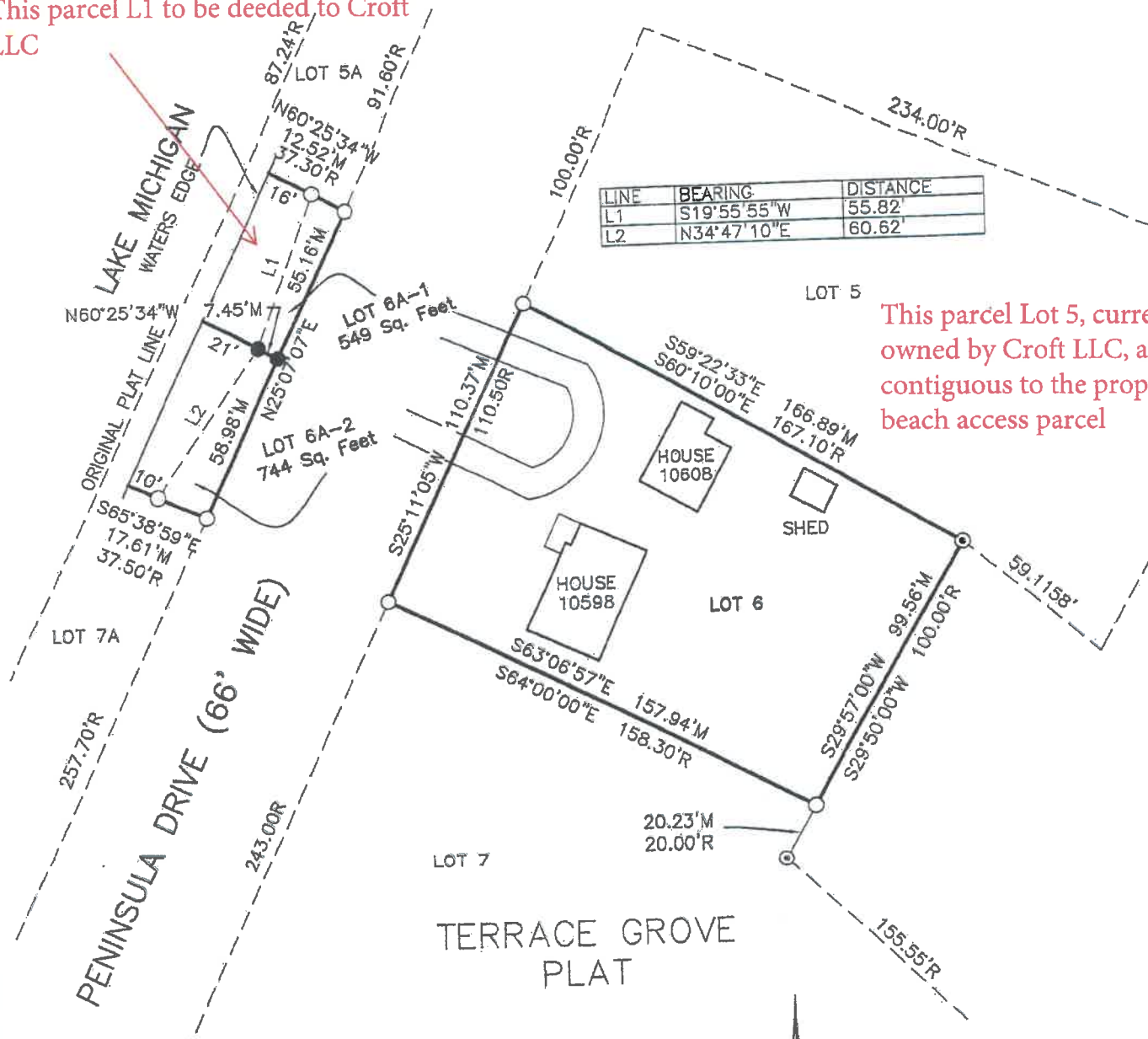
## LEGEND

- = SET 1/2" ROD & CAP
- = FD. FARRIER IRON
- = FD. IRON
- ⊙ = FD. CONC. MON.
- R = RECORD
- M = MEASURED
- = SET PROPERTY LINE STAKES

This parcel L1 to be deeded to Croft LLC

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L1   | S19°55'55"W | 55.82'   |
| L2   | N34°47'10"E | 60.62'   |

This parcel Lot 5, currently owned by Croft LLC, and is contiguous to the proposed beach access parcel



0' 25' 50'  
SCALE: 1" = 50'



Section 6.2.2 (2) (c) 2 from the PTZO:

*2. Boat hoists and docks are allowed on properties of insufficient size for a single-family dwelling, provided the lot is a pre-existing lot of record or has a minimum width of fifty (50) feet and also provided that provision is made for a minimum of two (2) parking places off the adjacent road right-of-way. In the event of properties owned by the same party being separated by a thoroughfare, parking may be provided on the inland parcel and need not be in excess of that required for a single-family dwelling.*